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June 6, 2000

Michael Mack
75 Whitaker
Berkeley, CA 94708

Michael Mack
16 Porter Road
London, UK W11 1LR

Re: Point Foundation

WHOLEEARTH.COM & WHOLEEARTH.ORG

Dear Mr. Mack:

This office represents the Point Foundation, which as you well know, has, for approximately thirty years, owned and utilized various marks embracing the phrase "whole earth". Among prominent uses of the mark are the Whole Earth Catalog and retail establishments operated under the name Whole Earth Access.

Whole Earth Access utilized the mark by permission of the Point Foundation, and the Point Foundation recently purchased and acquired an assignment from Whole Earth Access for all trademarks from the bankruptcy trustee for Whole Earth Access.

It has come to our attention that you have reserved URLs under the names "WHOLEEARTH.COM" and "WHOLEEARTH.ORG". Aside from issues concerning your appropriation of those domains while an employee of Whole Earth Access, your appropriation of these URLs violates the rights of the Point Foundation under trademark law, common law, and the Anticybersquatting Consumer Protection Act.

Specifically, your appropriation of these URLs interferes with the ability of the Point Foundation to hold itself out as the owner of the Whole Earth trademark, and prevents those wishing to access the Point Foundation via the World Wide Web from locating the Point Foundation. This situation must be resolved promptly.

We invite you to immediately transfer and assign the URLs "WHOLEEARTH.COM" and "WHOLEEARTH.ORG", and any other web addresses embracing "whole earth", or which are confusingly similar thereto, to the Point Foundation. The Point Foundation is willing to reimburse you for your reasonable out-of-pocket expenses in procuring these URLs, notwithstanding the opinion of the Point Foundation that your reservation of these URLs represents an inappropriate attempt to capture its legitimate rights to its trademark and trade name.

The Point Foundation, having devoted decades to establishing Whole Earth as its trademark and trade name, will not allow this situation to continue. If you are not willing to amicably resolve the matter, the Point Foundation will seek to prosecute all available claims, including claims of conversion, related to your actions during your employment with Whole Earth Access, actions under federal trade name and trademark laws, including the Anticybersquatting Consumer Protection Act, and under California common law.

In this respect, you are advised that Section 4 of the Anticybersquatting Consumer Protection Act provides for statutory damages up to $100,000 per domain name, and provides for injunctive relief to effect enforcement of rights.

If the Point Foundation is required to litigate this matter, it will seek all available injunctive relief and monetary damages.

We look forward to hearing from you within fourteen days of your receipt of this letter. If we do not hear from you within that time, we will have no choice but to assume that you have no interest in reaching an amicable resolution, and will proceed to enforce the Point Foundation's rights.

Cordially,

FLAXMAN & BLAKELY

PETER FLAXMAN

PF/pt
cc: Point Foundation, Attn: Danica Remy

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